

MEETING #4 January 25

At a Board Workshop Meeting Regular Meeting of the Madison County Board of Supervisors on January 25, 2007 at 3:00 p.m. in the Madison County Administrative Center Auditorium:

PRESENT: Eddie Dean, Chairman
James L. Arrington, Vice-Chairman
William L. Crigler, Member
Bob Miller, Member
Clark Powers, Member
V. R. Shackelford, III, County Attorney.
Lisa R. Kelley, County Administrator

***JAMES L. ARRINGTON ARRIVED @ 3:20 P.M.**

Chairman, Eddie Dean called the meeting to order and stated the first matter for discussion at today's Workshop is the Six Year Road Improvement Plan.

Donald Gore of the Virginia Department of Transportation was present and stated the permit for LINCO, Inc. has been processed and the representatives have been asked for a work schedule, which has not been provided.

Donald Gore stated the Board has been made aware of the process for the new Six Year Road Improvement Plan and added the Central Office in Richmond has requested that a certain amount of federal obligation be met on roads that will qualify for federal funding; he provided the Board with a map of various roadways in Madison County that can be obligated for federal funding in addition to any bridges. He stated changes have now been incorporated which will allow for bridges to be replaced if the structure is considered to have a sufficiency rate of less than fifty (50) (i.e. none in Madison County); also a substructure can be done if the sufficiency rate is less than eighty-five (85) (i.e. none in Madison County) – as a result of these findings, no funding can be utilized for the bridges in Madison County.

Donald Gore indicated the Six Year Road Improvement Plan will still require some modifications; additionally some projects that are already included in the plan are not considered to be a major collector but a minor collector (Route 614); he stated he plans to put some funding on that particular roadway in hopes the Central Office in Richmond will not interfere with the process and let him follow through; he

also added funding will also be required on other projects and will need to add new projects to the plan in order to meet the federal obligation and proposed the following suggestions:

1. To pave Route 662 from Wolftown to Route 29.
2. To initiate spot improvements on Route 609 (Hoover Road).

Donald Gore stated that most of the roadways are in fairly good shape and feels there has been much success in getting the majority of the Routes in Madison County improved over the course of time.

Donald Gore stated twenty percent (20%) must be paid toward the federal funding obligation and will follow the Six Year Road Improvement Plan that has been approved in the past.

Donald Gore stated it was unfortunate that projects will need to be added in order for the County to meet the federal obligation requirements; however, once those requirements have been met, the full plan will be followed as has been done in past years.

Donald Gore advised that a Public Hearing will need to be scheduled to discuss the Six Year Road Improvement Plan and suggested this be conducted during the evening session of the February Regular Meeting after the announcement has been published for two (2) consecutive weeks.

Donald Gore advised there is a conflict with Madison and Orange County Board meetings both being scheduled on the same day of each month.

Chairman, Eddie Dean stated the Board Workshop meetings are not generally utilized as the forum for the Board to take action and questioned whether a decision to hold a Public Hearing could be voted upon during today's session.

Lisa Kelley indicated the item could be added to the Agenda as requested without any action on behalf of the Madison County Board of Supervisor; she also suggested the Public Hearing be advertised for 7:30 p.m. or shortly thereafter.

Donald Gore stated the second page of the document provided to the Board also contains a priority list – all projects with “zeros” have already been completed; he also explained the priority listing of the requests and that Priority #3 projects will probably be taken care of before Priority #1 # 2 projects due to the total costs involved for each project.

Donald Gore stated the future of several of the projects will largely depend upon what action is taken during this year's session of the General Assembly.

William L. Crigler asked if some projects were modified in the scope of work (Route 695 – Yeager Mountain) and if this has been denoted on the documents provided.

Donald Gore stated that modifications were noted – any funding that is not utilized on any particular project will be disbursed for use on another project; additionally, future modifications will be provided to the Board for review.

Chairman, Eddie Dean then opened the floor for public comment on the Six Year Road Improvement Plan.

Nan Coppedge was present and asked about Route 642 (Duet Road) and stated the road has been included in the Six Year Road Improvement Plan since 1996; however, renovations have not been completed to date. She also asked about the criteria regarding federal obligation for roadway improvements.

Donald Gore stated federal funding must be spent on bridges or major collector secondary roads only with the following being located in Madison County:

1. Route 609
2. Route 662 from Wolftown to Route 29
3. Route 607 from Route 230 to Route 614
4. Route 621 from Radiant to Route 616
5. Route 634 from Route 29 to Route 15
6. Route 670 from Syria to Banco

Donald Gore indicated that Route 614 is not designated as a “major collector” but since the roadway is already included in the Six Year Road Improvement Plan, improvements are being sought - plans may be adjusted as deemed necessary.

Nan Coppedge asked if there was a chance that portions of Route 642 would be improved within the first half mile of the road.

Donald Gore stated this was possible; however, he further noted it has been the standard practice for the Virginia Department of Transportation to perform improvements and stop at a designated intersection on renovated roadways.

Donald Gore also stated the current Six Year Road Improvement Plan indicates that Route 642 is slated for November 2008, although this date may change based on what actions are taken during the upcoming session of the General Assembly.

Dennis Coppedge was present and also verbalized concerns as to the time frame that Route 642 has been listed on the Six Year Road.

Donald Gore stated funding was utilized on other projects due to the issues regarding Route 642 – he added he also did not feel the Madison County Board of Supervisors would be in agreement with delaying the utilization of funding toward other projects in while awaiting progress to be made on Route 642.

Donald Gore stated it was uncertain at this time when renovations would be initiated on Route 642 as all appropriated funding cannot be applied to one project, as funding must also be utilized for right-of-ways, utility easements, or other construction projects as needed.

Chairman, Eddie Dean stated there are federal guidelines that must also be followed (i.e. federal jobs).

Donald Gore stated the guidelines required for federal jobs can sometimes cause a tremendous strain on allotted funding.

Clark Powers stated it appears the legislative houses do not appear to be in agreement and questioned whether the same situation occurs at the federal level.

Donald Gore stated he was not aware of the situation with the federal budget but stated in order for the Virginia Department of Transportation to receive the total amount of federal funding dollars that is made available to the State of Virginia, all established guidelines must be followed.

William L. Crigler asked if the current guidelines pertaining to federal funding are more significant than state guidelines.

Donald Gore stated this is the first year an obligation has been established for federal aid roads; in the past an appropriated lump sum was allotted and was generally utilized as deemed necessary. However, during the current year, significant guidelines have been established that call for all federal obligations to receive first priority.

Dennis Coppedge asked how much funding was being made available during the current year for Route 642.

Donald Gore stated the total amount of funding being allotted for secondary unpaved roadways will be \$200,000.00 through 2008; he stated there should be additional funding available once federal obligations have been completed.

Dennis Coppedge asked if the Virginia Department of Transportation would consider making renovations from another location other than a roadway intersection and paving backwards to a designated point.

Donald Gore stated it was not deemed viable to pave from the midway of a roadway section instead of the intersection and further indicated he was unable to initiate paving in the middle of a non-hard surface roadway unless this was approved by the Madison County Board of Supervisors.

Donald Gore suggested the current Six Year Road Improvement Plan be presented to the Madison County Board of Supervisors for discussion at a Public Hearing to be scheduled during the evening session on Tuesday, February 13, 2007.

Chairman, Eddie Dean asked if the differences reflected in legislation would affect the Six Year Road Improvement Plan in fiscal year 2009, to which Donald Gore stated it would not.

Chairman, Eddie Dean thanked Donald Gore for his presentation during today's Workshop session.

Lisa Kelley stated she attended a meeting of the Sub-Committee of the Madison County Planning Commission and the Workshop Meeting in which the Commission discussed issues pertaining to their By-laws, organizational issues, and whether the size of the Commission should be reduced.

After an extensive discussion, it was the consensus of the Commission members that the current size not be reduced based on the fact there is insufficient County staff to assist the commission and the current membership provides a good member representation from various parts of the County and are able to provide necessary input that is needed to assist with the complex issues currently being brought before the Madison County Planning Commission; furthermore, it was suggested the Board proceed with filling the current vacancy that exists on the Commission.

Chairman, Eddie Dean asked if there was any discussion regarding the procedures for selecting potential applicants (i.e. advertising or reappointment of eligible members).

Lisa Kelley stated there was no discussion on this issue.

Bob Miller asked if there were two (2) separate meetings being conducted.

Lisa Kelley stated the Madison County Planning Commission formed a Sub-Committee to review/update their current By-laws that are out-dated; additionally, in the context of the aforementioned meeting, there was a discussion of whether the current number of Commission members should be decreased – the By-laws established the number of members needed to originally form the Madison County Planning Commission.

Bob Miller asked if there was any discussion about qualifications for membership.

Lisa Kelley stated the Commission did not get into the issue of whether vacancies should be advertised; she stated she did not recall anything being discussed to establish qualifications although a number of members have verbalized concerns as to whether people who are appointed should be required to take the Planning Commission Member Certification class, although this issue was not formally voted on by the entire group.

Bob Miller asked if there was any discussion on the Madison County Planning Commission Workshop Meetings.

Lisa Kelley stated this issue was discussed and it was decided that presentations be incorporated into their Workshops to initiate more progress on certain issues (i.e. Ordinances, etc.).

Bob Miller asked if the Madison County Planning Commission voted on the By-laws.

Lisa Kelley stated a discussion was implemented; however, it was the intention of Rodney Lillard, Chairman, to draft a letter to communicate the consensus of the Madison County Planning Commission to the Madison County Board of Supervisors.

Lisa Kelley further stated she did not recall there being any disagreement with the Madison County Board of Supervisors' request to decrease the size of the existing Madison County Planning Commission.

Lisa Kelley stated she had a letter from the Board which denoted support for the Broadband Grant Application through the Planning District that will need to be reviewed and signed by Chairman, Eddie Dean.

Chairman, Eddie Dean asked if there was any further discussion; he then opened the floor for public comment on the Criglersville Elementary School.

Robert Legge was present and verbalized displeasure with the headlines published in the Madison County Eagle regarding the "daily deterioration" of the Criglersville Elementary School and that "mothballing" the building was not a viable solution; he stated when the facility was originally closed, there were statements made that it would cost about \$200,000.00 to make it usable as a school which appear to have been untrue. He stated additional comments noted the facility was situated in a flood plain. In closing, he stated that most individuals are convinced the structure is about to crumble and is worthless – he plans to relay his concerns to Board member, James L. Arrington personally.

James Hale was present verbalized concerns regarding the deterioration of the Criglersville Elementary School since it has been vacant; he recalled when the structure was constructed in the flood plain and stated there has never been any flood damage noted although the waters of the neighboring river have reached the steps of the structure; he also stated he believed the facility was "grandfathered" in and feels the structure must follow the same guidelines that were in place when it was used as a school facility; he stated although repairs can be accomplished (i.e. septic and sewer) and the drain field is well protected underneath the asphalt, he did not feel the structure could ever be brought up to present day standards; he also mentioned the neighboring Church had expressed an interest in acquiring ownership of one of the buildings and suggested the section be sold to the Parrish for \$1.00; he also suggested the Board make a final decision to either spend the minimal amount required to improve the structure if the County intends to maintain ownership or consider selling part or all of the structure.

Fritz Brittain was present and stated if the County has no use for the Criglersville Elementary School, there is no use in retaining ownership – therefore, he suggested the structure be sold in any manner deemed appropriate to someone who might re-establish the structure on the County’s tax roll to produce return revenue for the County. He also stated given the fact the County is looking to proliferate broadband service throughout Madison County, different sites will be needed to locate additional poles for antennas – he suggested the County hold onto part of the acreage at the Criglersville Elementary School to be utilized as a possible site for communications towers in the future.

Clark Powers stated he was disappointed there were not more citizens present to provide input on the fate of the Criglersville Elementary School; he stated he conversed with David Henken and asked if he’d verbalize his concerns about the structure.

David Henken was present and stated he resides in close proximity of the Criglersville Elementary School; he stated should the Board decide to sell the voting booth to the Church for \$1.00 then he’d be happy to buy the headmaster’s house for \$1.00 as well. He asked if the County had thought about leasing the property as a whole with or without the voting booth, or lease with the option to buy.

Chairman, Eddie Dean stated there are some regulations that may be followed in the event of a public auction; however, he asked if another Public Hearing would be needed should there be changes in the plans for the property.

Lisa Kelley advised the Board will need to hold a Public Hearing in order to dispose of the property; however, the sale can be through an agreement with an individual property owner or through public auction; additionally, a long term lease would essentially be the same as a disposition of sale – in this case, the County will need to schedule another Public Hearing. She stated there are restrictions imposed regarding the specifics of a lease term and these procedures can be determined at that time.

David Henken asked if a year-long lease would be considered to be a long-term lease, to which Lisa Kelley replied “no.”

Chairman, Eddie Dean asked if there was an interest in developing a long-term lease, the Board invited David Henken to contact Lisa Kelley to provide his

intentions by February 5, 2007 – he stated today’s Workshop session is for discussion only as the Board does not take action at these sessions.

Chairman, Eddie Dean stated all information provided to Lisa Kelley regarding the future of the Criglersville Elementary School will be considered at the Board’s Regular Meeting on Tuesday, February 13, 2007 during the 7:30 p.m. session.

David Henken asked if a potential lessor will be given the opportunity to sublet the facility.

Lisa Kelley stated the decision would depend solely on the contents of the lease agreement (i.e. sublet authority); however, the question of how different buildings can be used and whether they are suitable for occupancy without some additional improvements will be a major determining factor in regards to code compliance (i.e. septic, sewer, etc.).

David Henken asked if the County has exhausted the idea of shuttering the facility or renovating the two auxiliary buildings (main building and single family home).

Chairman, Eddie Dean stated the Board discussed that option; however, it did not appear to be the most viable solution.

Chairman, Eddie Dean stated in his opinion, he did not see any way in which the County could profit from a “money making deal” by utilizing the structure.

Bob Miller stated the Board received input from Mr. Ivo Romenesko at a previous meeting and it was determined the facility can only be utilized as a school for grades “K” through twelve (12); he also added the two (2) main buildings are situated in a flood plain which prohibits public occupancy of the structures being discussed .

Chairman, Eddie Dean stated the two (2) auxiliary buildings operate off the same water supply.

Bob Miller advised the Madison County Health Department has indicated a permit for the septic system can only be approved for issuance on an annual basis.

Robert Gibbs was present and stated in order to be fair to all the citizens of Madison County, it would be best for the Criglersville Elementary School to be placed up for public auction; he also verbalized concerns about the septic, sewer and water and feels leasing the structure will only bring a lawsuit in the end.

Clark Powers expressed additional points on the Criglersville Elementary School and agreed there may be liability issues involved with the facility; he stated he did not feel it was the intention of the Madison County Board of Supervisors to make a decision today, but only receive comments; however, a decision will need to be made relatively quickly since the structure is deteriorating since becoming unoccupied.

In closing, Clark Powers thanked the citizens for attending today's session and suggested Andy Mank, Consultant, be present at another session before an actual decision is made on the fate of the structure.

Chairman, Eddie Dean stated the Madison County Board of Supervisors is willing to review all proposals pertaining to the Criglersville Elementary School and will consider all proposals at the next Regular Meeting on Tuesday, February 13, 2007.

David Henken expressed concerns as to what will happen in the event there are no viable offers received.

Chairman, Eddie Dean stated the Board will have to determine the best option for the structure and probably decide on a public auction.

Chairman, Eddie Dean stated the reason for today's Public Hearing was to gather information; however, leaving the building in its present state will only lead to further deterioration of the structure.

James Hale asked if the building would be sold as a whole or in portions.

Chairman, Eddie Dean stated a determination will need to be made by the Board; he suggested several options be provided (i.e. partial, complete) and the Board will select the most viable option for the County.

Chairman, Eddie Dean thanked the citizens for attending today's Public Hearing on the Criglersville Elementary School; he also thanked Ms. Barbara Taylor of Congressman Eric Cantor's Office for attending today's Workshop session.

Chairman, Eddie Dean stated the Board will need to go into Executive Session.

On motion of William L. Crigler, seconded by Bob Miller, the Board voted to go into Executive Session pursuant to Section 2.2-3711 (A) (3) Real Property Pertaining to the Courthouse, with the following vote recorded:

Eddie Dean	Aye
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James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

On motion of William L. Crigler, seconded by James L. Arrington, the Board voted to go back into open session with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

On motion of William L. Crigler, seconded by James L. Arrington, the Board took roll call to certify that nothing was discussed which was not authorized by the Code of Virginia and that the following Resolution is adopted with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

MOTION:	William L. Crigler	RESOLUTION NO:	2007-1
SECOND:	James L. Arrington	MEETING DATE:	January 25, 2007

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Madison County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, 2.1-344.1 of the Code of Virginia requires a certification by the Madison County Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Madison County Board of Supervisors.

VOTE

AYES, Eddie Dean, James L. Arrington, William L. Crigler, Bob Miller, Clark Powers

ABSTAIN: None

NAYS: None

(For each nay vote, the substance of the departure from the requirements of the act should be described)

ABSENT DURING VOTE: None

ABSENT DURING MEETING: None

Clerk/Secretary of the Madison County Board of Supervisors

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

No action was taken as a result of Executive Session

After discussion, on motion of William L. Crigler, seconded by Bob Miller, Chairman, Eddie Dean adjourned the meeting, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Date: January 26, 2007